

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE SLOAN,

Petitioner,

v.

SHERIFF PATTI COLE-TINDALL,

Respondent.

CASE NO. 2:23-cv-00124-RAJ-GJL

ORDER GRANTING MOTION TO
CHANGE DESIGNATED
RESPONDENT

This is a federal habeas action filed under 28 U.S.C. § 2254. Before the Court is Respondent's Motion to Change Designated Respondent. Dkt. 21. In the Motion, Respondent informs the Court that, since Petitioner is currently in the custody of the King County Department of Adult and Juvenile Detention, the proper respondent in this matter is Allen Nance, Director of the King County Department of Adult and Juvenile Detention. *Id.* at 1. Thus, Respondent requests the Court substitute the proper respondent—Allen Nance, Director of the King County Department of Adult and Juvenile Detention—in this matter. *Id.* Upon review, the Court agrees Allen Nance is the proper Respondent and grants the motion.

1 The proper respondent to a habeas petition is the “person who has custody over [the
 2 petitioner].” 28 U.S.C. § 2242; *see also* § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th
 3 Cir. 1992); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). At the time Petitioner filed his
 4 Petition, he was being held in the King County Jail as a pretrial detainee. *See* Dkt. 1. As
 5 Respondent rightly indicates, the King County Sheriff is not the custodian of inmates in the local
 6 jail. Dkt. 21 at 1. Rather, Mr. Nance, in his role as Director of the King County Department of
 7 Adult and Juvenile Detention, is the proper Respondent in this matter. *See Rumsfeld v. Padilla*,
 8 542 U.S. 426, 435 (2004) (the person having custody of the person detained for purposes of §
 9 2254 is typically the warden of the facility where the petitioner is incarcerated).

10 The Motion to Change Designated Respondent (Dkt. 21) is **GRANTED**. The Clerk is
 11 directed to substitute the correct respondent—Allen Nance, Director of the King County
 12 Department of Adult and Juvenile Detention—in this matter. Should there be a need to substitute
 13 the correct respondent again in these proceedings, Respondent shall renew this Motion.¹

14 Dated this 22nd day of May, 2023.

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17 Grady J. Leupold
 18 United States Magistrate Judge
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23 ¹ In the Motion, Respondent informs the Court that Petitioner is scheduled to be sentenced in the King County
 24 Superior Court this month, May 2023. Dkt. 21 at 2. At that time, they posit, he will likely be transported to the
 Washington State Department of Corrections and, thus, Mr. Nance will no longer be the proper respondent. *Id.*